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*Attorneys for Defendants  
Stephen Fairfax and MTechnology*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SWITCH, LTD.,  
a Nevada limited liability company,

Plaintiff,

VS.

STEPHEN FAIRFAX; MTECHNOLOGY;  
DOES 1 through 10; and ROE ENTITIES 11  
through 20, inclusive,

## Defendants.

Case No.: 2:17-cv-02651-GMN-EJY

**DECLARATION OF MARC J.  
RANDAZZA IN SUPPORT OF REPLY  
IN SUPPORT OF REQUEST FOR  
PRETRIAL CONFERENCE**

I, Marc J. Randazza, under penalty of perjury, hereby declare as follows:

1. I am a partner at the law firm Randazza Legal Group, PLLC and counsel for Defendants MTech (“MTech”) and Stephen Fairfax in the above-referenced matter.

2. I am over the age of 18 and I make the statements in this declaration pursuant to my own first-hand knowledge and would be competent to testify to the statements made therein.

3. Along with Stephen Fairfax and Steven Bauer, I met with in-house counsel for Switch, Ltd. (“Switch”) in Boston, Massachusetts on August 28, 2018. Switch requested the meeting and flew two attorneys from Las Vegas to Boston for the meeting. However, when they arrived, they insisted that the meeting would be very short because they had a plane to catch.

4. The meeting was unproductive, although Switch admitted that it had no direct  
evidence that my clients had misappropriated any trade secrets. In fact, nobody from Switch would  
even tell us which trade secrets were at issue. Additionally, the parties agreed to conduct informal  
electronic discovery to see if they could settle without litigation.

5        5. During the Boston meeting, Sam Castor, in-house counsel for Switch, informed my  
6 clients that they were not his primary target.

7       6. I additionally participated in the process of negotiating the language of a protective  
8 order with in-house attorneys for Switch. Switch wanted the protective order to expressly allow it to  
9 take discovery to establish claims against third parties, including its competitor Aligned Data Centers.

0           7.       The last round of negotiations occurred on August 29, 2019 between Sam Castor and  
1 Piers Tueller, for Switch, and my partner Ron Green and me, for MTech and Stephen Fairfax. While  
2 Mr. Castor requested the conference for the ostensible purpose of finding mutually agreeable language,  
3 he used the conference to demand that Defendants accept his version of the protective order. We  
4 declined to do so, and I specifically told him that I believed his actions constituted abuse of process.

5        8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the  
6 foregoing is true and correct.

Executed on: 24<sup>th</sup> day of September, 2019.

/s/ Marc J Randazza  
Marc J. Randazza